

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

A&S LIQUIDATING INC.,

No. C-13-4568 EMC

Plaintiff,

RELATED TO

v.

No. C-13-4792 EMC

AB&I FOUNDRY, *et al.*,

No. C-13-4833 EMC

Defendants.

No. C-13-5114 EMC

No. C-13-5152 EMC

AND ALL RELATED ACTIONS.

**ORDER DEFERRING MOTIONS TO
CONSOLIDATE AND FOR
APPOINTMENT OF INTERIM LEAD
COUNSEL**

Previously, the Court related two cases to Case No. 13-4568 EMC *A&S Liquidating Inc. v. AB&I Foundry*. Since the Court related these cases, additional events have transpired. For example, Trumbull Industries, Inc. (the plaintiff in Case No. 13-4833 EMC *Trumbull Industries, Inc. v. AB&I Foundry*) filed a motion with the Judicial Panel on Multidistrict Litigation (“JPML”), asking for transfer and consolidation. The Court related two additional cases to Case No. 13-4568 EMC. Counsel for Defendants have entered appearances.

Given the above circumstances, the Court deems it prudent to defer the motions to consolidate and for appointment of interim lead counsel (Docket Nos. 12 and 28 in Case No. 13-4568 EMC). Deferral of the motions will give the JPML an opportunity first to determine whether a MDL case should be established. Deferral of the motions also makes sense because more cases have been related (presumably, consolidation is sought with respect to all related cases), and Plaintiffs in the newly related cases should also be given an opportunity to weigh in on the issues of consolidation and appointment

1 of interim lead counsel. Furthermore, deferral will also give Defendants who have only recently made
2 appearances an opportunity to weigh in on the same.

3 Accordingly, the Court hereby **DEFERS** the hearing on the motions to consolidate and for
4 appointment of interim lead counsel. Within a week after the JPML decides Trumbull's motion, the
5 parties in the related cases should file a joint status conference statement, informing the Court what the
6 decision of the JPML was and whether there is a need for additional briefing on the motions to
7 consolidate and for appointment of interim lead counsel (*e.g.*, by parties who had not previously had a
8 fair opportunity to submit a brief).

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10 IT IS SO ORDERED.

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12 Dated: November 14, 2013

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15 EDWARD M. CHEN
16 United States District Judge
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